



Housing | Health | Children & Youth

December 8, 2020

Attn: Shannon Hill,
Environmental Project Manager City of San Jose,
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower, San Jose CA 95113-1905
E-mail: shannon.hill@sanioseca.gov

RE: Downtown West Mixed Use Plan in San Jose, CA (Google) AB 900 Application

Dear Ms. Hill:

The Law Foundation of Silicon Valley provides comments to the Google EIR. Specifically, the Law Foundation wishes to address the inadequacy of the EIR's analysis of potential indirect displacement as a result of the Google development. We request that the City reanalyze the environmental impacts of the potential displacement that the Google development will have, in order to fully access the mitigation measures necessary to address the indirect displacement.

We are strongly concerned that the EIR concluded that there would be no substantial indirect displacement given that the Google Project will bring nearly 30,000 jobs to the Downtown Core, and, as the EIR predicts, potentially 80,000 related jobs to the Downtown Core.¹ Without adequate housing commitments, it is a foregone conclusion that there will be people who live in San Jose who will be displaced by this development. The sweeping conclusion that no indirect displacement will occur is based on many assumptions made in the EIR without data to support those allegations. Given the massive size of the Project, we are troubled that the EIR concludes that there will be no indirect displacement as a result of the project.

Specifically, the EIR assumes that many of the construction and Google jobs will be held by San Jose residents, or that transportation will exist to get to support residents who live out of San Jose. There is no data to support that the near 30,000 Google jobs will be filled by people who already live in San Jose, or that the construction jobs will be held by those that live in San Jose. The EIR has no information about Google employees, and whether Google hires locally or

¹ DRAFT EIR, 3.11-22.

outside the area. It is well-known that the growth of tech companies has led to displacement in Silicon Valley. To conclude bringing a huge campus of over 30,000 employees in a community where there is already a lack of affordable housing will not lead to displacement is troubling and unsupported by the data provided in the current EIR.

While we acknowledge that Diridon is a transportation hub, there is no information in the EIR that supports that individuals either working at Google or in jobs created by Google will be able to use public transportation for commuting, especially given the fact that Google has only committed 5000 homes in the Downtown core area. The lack of public transportation options is especially stark for low-income communities in San Jose who are facing displacement into the Central Valley. There is no analysis in the EIR about whether those residents who are being displaced will be able to affordably use transit options from Diridon to the Central Valley.

Additionally, there are assumptions that both Google's housing commitment and the City's Anti-Displacement policies will mitigate any potential displacement. First, despite the City's efforts, the City is well below its RHNA obligations for low, very-low, and extremely-low income families.² The EIR specifically states that the project represents 37% of job growth predicted in San Jose, but only 4.8% of the housing unit growth.³ While the City is certainly planning for additional housing, given that the City continues to fall below its RHNA obligations for affordable housing at low, very-low, and extremely low levels, the EIR is making a huge assumption that enough housing will be built to mitigate the impact of that many new jobs created in the Downtown core. The EIR should look at the feasibility of housing development at all affordability levels in determining whether or not the influx of at least 30,000 workers in the Downtown core will conclusively be mitigated.

Therefore, we ask the City to reconsider the indirect impacts of displacement at Diridon in its EIR. We welcome the opportunity to discuss these comments with you further by contacting me at Nadia.aziz@lawfoundation.org or (408) 280-2453.

Sincerely,



Nadia Aziz, Directing Attorney
Law Foundation of Silicon Valley

cc:
Ricardo Benavidez, Google

Rosalynn Hughey, Director of Planning, Building, and Code Enforcement, City of San Jose

² Housing Element Progress Report, 2019, available at <https://www.sanjoseca.gov/home/showpublisheddocument?id=56616>.

³ DRAFT EIR 3.11-20.